

II. Drawings

It is noted that the drawings have now been accepted.

III. Claim Rejections – 35 U.S.C. §112

Claim 1 has been amended to overcome the antecedent basis question concerning the term “outer edge” and the question concerning the use of the term “facing away”. It is believed that these amendments overcome the rejection of Claim 1 under 35 U.S.C. §112.

Claims 3 and 4 have also been amended to clarify what the angle noted therein is measured relative to, and the rejection of these claims under 35 U.S.C. §112 is also overcome.

IV. Claim Rejections – 35 U.S.C. §102 and 103

Claim 1 has been amended to overcome the rejections under SCHUTZ (US 2,271,444 A) and MICHALSKI (US 5,573,365 A).

Claim 1 was previously amended to include a retaining wall extending upward from the loading end of the receiving member opposite the back of the vehicle as depicted in FIGS. 1 and 4 and described in the specification, page 6, lines 12-25, as the “side walls 32 [extending] around the loading end 24” and serving as “retaining walls for materials placed on the platform”. As noted previously, this retaining wall serves to retain material placed on the loading end as the side wall 32 extending around the loading end 24, and to prevent it from sliding off.

The current amendment of Claim 1 provides that the loading end includes a base member formed in the shape of a tray. This is a flattened piece which acts as a platform to support refuse or other material deposited on the loading end. The retaining wall which extends upward from the loading edge of the base member helps to prevent the material from shifting or sliding off the loading end when it is being loaded or is in operation to transfer material to the storage area of the vehicle. The apparatus of SCHUTZ is plainly distinguishable in that SCHUTZ includes a bucket as its receiving member while the present apparatus has a receiving

member with a base member formed in the shape of a tray. As noted in FIGS. 1 and 2 of SCHUTZ, the bucket is lifted to the top of the vehicle and tilted virtually upside down to empty it of its contents into a storage area, while the structure of the present apparatus permits raising the receiving member to enable the refuse material to fall or slide down the tray shaped base member into the storage area. MICHALSKI is also distinguishable in that it includes a flexible tarp as its receiving member, with no frame or other support to cause the tarp to operate as a platform or tray. On the contrary, the tarp of MICHALSKI depends on the flexible nature of the tarp and its capacity to fold completely over and envelop the refuse material, and to be rolled or wound onto a roller.

The present apparatus includes a retaining wall rising upward from the loading edge, which impedes material from sliding or rolling off the loading end. The loading end of the present apparatus does not include a scoop or ramp or a fork with a smooth edge, to facilitate the loading of a wheeled vehicle, a bale of hay or fodder, or leaves. In fact, the present apparatus is not structured to provide a smooth angled surface or fork structure for sweeping, rolling, scooping or sliding of material objects from the ground surface onto the loading end. The retaining wall prevents use of the present apparatus as a loading ramp or loading platform to slide or push material onto the loading end. VON DER HEIDE, HENDRICKSON, and SMITH disclose loading platforms that are in contact with the ground and include a ramp, slide, lip, or scoop that is angled and smooth to facilitate loading by rolling, sliding or sweeping onto the loading platform. An upward, vertically positioned retaining wall would hinder or impede operation of the inventions of the references cited. Also, the combination of the structure of the

retaining wall and base member formed in the shape of tray and the operation means of the present apparatus are not taught or suggested by the references.

The structure of the base member formed in the shape of a tray and the retaining wall in the amended claim 1 avoids the §102 rejection. The fact that this structure of amended claim 1 is not disclosed by the cited references, but also would be contrary to the operation of the references, indicates that a §103 rejection does not lie.

The dependent claims 2-10 and 13-14 depend from an allowable independent claim and therefore also are allowable.

Applicant respectfully requests that the claims as amended be allowed.

A listing of claims with the referenced amendments follows: